IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 9937 of 2005

Between:

Sarvodaya Samithi Aided Junior Basic Elementary School Rep. by its Correspondent, B.James,S/o.J.Jacob, R/o.Peddasettipalli Village, Proddutur Mandal, Cuddapah District.

..... PETITIONER

AND

1 State of A.P., rep.by its Commissioner & Director of School Education Saifabad, Hyderabad.
2 The District Educational Officer Kadapa Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in not approving the selections made on 7-1-2004 for the aided post of secondary grade teacher in petitioner school, as illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India and consequently direct the respondent herein to forthwith approve the selections made on 07-11-2004 for the post of secondary grade teacher in petitioner school; award costs.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not approving the selection of the Secondary Grade Teacher for the petitioner's School, where there is only one Teacher.

2. It is stated that the vacancy had arisen by 01-10-2004 because of the retirement of the earlier incumbent. Therefore, the petitioner addressed the second respondent seeking permission for filling up the post, and in fact, the second respondent issued proceedings approving the request of the petitioner for filling up of the post by conducting the selection as required under the Rules. It is further stated that even the selections were conducted in the presence of the District Educational Officer, who participated, and thereafter, the selected person's name was recommended for approval for being appointed as a Secondary Grade Teacher. However, the said request was not approved, but a communication seems to have been sent by the second respondent to the first respondent stating that there is a ban as to the filling up of the aided vacancies, and therefore, the second respondent sought for clarification from the first respondent-the Commissioner and Director of the School Education, who did not further issue any clarification. Hence, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned Government Pleader has fairly conceded that as the approval was granted prior to the imposition of the ban, the case of the petitioner is not covered by the ban. Therefore, there is no obstacle for approving the selection for filling up of the vacancy.

4. In view of the above, the second respondent is directed to grant approval for filling up of the single post available with the petitioner with the selected candidate, as sought for by the petitioner expeditiously, preferably,

within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

23rd June, 2005

NOTE:

Furnish C.C. within one week.

B/o.

SKM

To

1 The Commissioner & Director of School Education
State of A.P., Saifabad Hyderabad.
2 The District Educational Officer
Kadapa Kadapa District.

3 Two C.Cs. to G.P. for Education, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two CD copies

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